

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN**

Kevin Kasten and James Poole,
individually and on behalf of others
similarly situated,

Court File No. 07-cv-0449-bbc

Plaintiffs,

**ORDER GRANTING PRELIMINARY
APPROVAL FOR SETTLEMENT**

v.

Saint-Gobain Performance Plastics Corporation,

Defendant.

Having reviewed the Settlement Agreement between the parties and determined on a preliminary basis that it represents a fair resolution of this case, and in light of the relevant authority and the entire record in this case, the Court hereby GRANTS PRELIMINARY APPROVAL of the Settlement Agreement between Plaintiffs and Defendant, and the proposed allocation formula contained therein. The Court hereby APPROVES the form and distribution of the proposed Notice of Settlement to each Opt-in Plaintiff and the proposed Notice of Settlement to each Rule 23 Class Member attached to the agreement.

The Court hereby ORDERS that the deadline for Rule 23 Class Members to sign and return their claim forms or reject the settlement offer shall be 45 days after Plaintiffs' Counsel distributes the Notice of Settlement, and the deadline for Opt-in Plaintiffs to sign and return the Release form or reject the settlement offer shall be 45 days after Plaintiffs' Counsel distributes the Notice of Settlement. The Court further ORDERS that all Rule

23 Class Members who do not (1) file a valid and timely claim form, or (2) timely reject the settlement offer, be bound by the judgment dismissing this Action on the merits and with prejudice.

A hearing on final approval of the settlement is set for February 4, 2009, at 8:30 a.m. in Courtroom 250.

IT IS SO ORDERED

Dated: October 28, 2008

Barbara B. Crabb
Honorable Barbara B. Crabb
United States District Court Judge